IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1438 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/01/2004 in WP No. 5346 OF 1998 on the file of the High Court.)

Between:

1.The Deputy Commissioner of Prohibition and Excise, Kurnool District,Kurnool.
2.The Commissioner of Prohibition & Excise, Andhra Pradesh, at Hyderabad.

..... APPELLANTS

AND

Sri P. Bashu, S/o P. Mahaboob,
R/o Dhone, Kurnool District.

.....RESPONDENT

Counsel for the Appellant: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent: MR.T.NIRANJAN REDDY

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Challenge is to the order passed by the learned Single Judge, by which, order dated: 26.11.1997 passed by the Deputy Commissioner of Prohibition and Excise, Kurnool, and, order dated: 17.01.2004 passed by the Commissioner of Prohibition and Excise, A.P. were set aside with direction to the Deputy Commissioner of Prohibition and Excise to consider the matter afresh in the light of the explanation filed by the writ petitioner, and, pass appropriate orders within a period of three months from the date of the receipt of the copy of the said order. Challenge by the Department is to the said order on the ground that learned Single Judge relied on the decision of the Full Bench against which, Special Leave Petition has been filed, which is pending consideration, and, there are number of other matters pending consideration.

May be that the view expressed by Full Bench is under challenge in S.L.P., or, some other matters are also pending. But, the same cannot be a ground to admit the appeal and keep it on our docket, inasmuch as it is a case, in which, matter has been remanded to the concerned authority to hear and decide it afresh, in the light of the explanation furnished by the writ petitioner. Though the writ petitioner has replied to the show-cause notice, he has taken a plea that he has no knowledge, and, there is no finding recorded as to whether he has or has no knowledge. In such like orders of remand, hardly, there will be any ground for interference by the Division Bench in the Appeal. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

21.9.2004.

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C.V.RAMULU, J.

VR.

To

1.The Deputy Commissioner of Prohibition and Excise, Kurnool District,Kurnool.
2.The Commissioner of Prohibition & Excise, Andhra Pradesh, at Hyderabad.

3. Two CCs to Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.